

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MICHAEL E. WILLIAMS

Plaintiff,

V.

**ENVIRONMENTAL PROTECTION
AGENCY ET AL**

Defendant.

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CIVIL ACTION NO. 6:15-CV-862

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**


The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Magistrate Judge issued a Report and Recommendation concluding that two of Defendants' Motions to Dismiss should be denied as moot (Doc. Nos. 29 & 30) and eight of Defendants' Motions to Dismiss should be granted (Doc. Nos. 15, 17, 18, 19, 22, 26, 46, & 54).

The Report and Recommendation of the Magistrate Judge, which contains his findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration (Doc. No. 73). In his Report, the Magistrate Judge explained that a party who wishes to file written objections to the Report may do so within fourteen (14) days after being served with a copy of the Report. On February 29, 2016, the Court received notification that Plaintiff refused service of the Report by the United States Postal Service (Doc. No. 78). Plaintiff may not extend the objection period by refusing service of the Report. Therefore, the Court will treat the February 29, 2016 notification of refusal as the beginning of the fourteen (14) day objection period. As such, the objection period expired on March 17, 2016 (with three days

added pursuant to L.R.-CV-6(a)) and the parties have made no objections to the Report and Recommendation as of that date. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** that Defendants' Motions to Dismiss that were amended by Doc. No. 46 (Doc. Nos. 29 & 30) are **DENIED AS MOOT**. The remaining eight Motions to Dismiss (Doc. Nos. 15, 17, 18, 19, 22, 26, 46, & 54) are **GRANTED**, and Plaintiff's claims against Defendants Roosth Production Co., Officer Bain, Ed Broussard, Officer Bulman, City of Tyler, Carter Delleny, Officer Erbaugh, Martin Heines, Officer Matthews, Clayton Nicocardi, Deborah Pullum, Officer Reed, Gary Swindle, Victoria Alford, Arnold and Itkin Law Firm, Holly Creek Village Home Owners Association, Brenda McQuisition, Alice Robinson, Rudy Wright, Yvonne Wright, Wright Way Management Co., Paul Boyd, State Farm Company, Lisa Whitfield, Martin Marietta, KKR LLP, Rosa Durso, David Sorkin, and Perry Smith are **DISMISSED WITH PREJUDICE**.

SIGNED this 21st day of March, 2016.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE